IFW

131968

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on

4-29-05
(Date of Deposit)

Kristin B. LoRuglio
Signature

4/29/05
(Date of Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:
Michael Andrew de Rooij, et al.	: Confirmation No. 7087
Serial No. 10/650,144	: Group Art Unit: 3742
Filed: August 26, 2003	: Examiner: Daniel L. Robinson
For DUAL COIL INDUCTION HEATING SYSTEM	:

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office action dated April 1, 2005, claims 1-20 were indicated as pending and were subject to a restriction requirement. The claims were grouped as follows:

I. Claims 1-11 drawn to a dual coil induction cooking system;

II. Claims 12-16 drawn to a dual coil heating system;

III. Claim 17 drawn to a dual coil induction cooking system with two series resonant circuits;

IV. Claims 18-20 drawn to a method of coupling power to a load.

Applicants respectfully traverse the restriction requirement as currently specified for at least the following reasons. Claim 1 is drawn to a dual coil induction cooking system and recites:

A FIRST RESONANT CIRCUIT...
A SECOND RESONANT CIRCUIT, WIRED IN A PARALLEL COMBINATION WITH THE FIRST RESONANT CIRCUIT...; AND
A POWER SOURCE FOR POWERING THE PARALLEL COMBINATION...

Similarly, claim 17 is also drawn to a dual coil induction cooking system and recites:

A FIRST SERIES RESONANT CIRCUIT...
A SECOND SERIES RESONANT CIRCUIT..., THE SECOND SERIES RESONANT CIRCUIT WIRED IN A PARALLEL CIRCUIT...; AND
A FREQUENCY SOURCEWIRED TO THE PARALLEL CIRTCUIT...

Thus in both claims 1 and 17, two resonant circuits are wired in parallel. In claim 17 the first and second resonant circuits (which are wired in parallel) are stated to be series circuits. As was discussed in a telephone call with the Examiner on April 28, 2005 by Applicants' representative, Applicants believe that at the very least claim 17 of Group III should be grouped with claims 1-11 of Group I. Furthermore, it is Applicants' position that independent claim 1 should be considered to be generic despite the indication that no claims were generic. Nonetheless, Applicants are required to make an election based upon the current groupings and therefore elect to prosecute the claims of Group I.

The Action further stated that the application contained claims directed to a patentably distinct species A (parallel circuitry) and species B (series circuitry). Once again, Applicants submit that the recitation of series circuits and parallel circuits in claims 1-11 and 17 should not be treated as distinct species. For example, in accordance with MPEP § 806.04(f), claims that are to be restricted to different species must be mutually exclusive. The general test as to when the claims are restricted, respectively, to different species is the fact that one claim recites limitations which under the disclosure are found in a first species but not in a second, ***while*** a second claim recites limitations disclosed only for the second species and not the first. In claims 1-11 and 17, the parallel circuits and series circuits are **not** mutually exclusive. For example, as shown in Fig 1, series

circuits 12 and 14 are combined in a parallel arrangement. Thus, Applicant is unable to elect a species at this time as Applicant cannot, without additional guidance from the Examiner, understand how claims 1-11 and 17 can be considered to be distinct species.

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application. If the Examiner has any questions regarding the present patent application, the Examiner is invited to call Applicant's attorney.

Respectfully submitted,

Jason K. Klindtworth
Attorney for Applicant
Reg. No. 47,211

4/29, 2005
Date

General Electric Company
Building K1, Room 3A65
Niskayuna, New York 12309
Telephone: (518) 387-7360 or
(518) 387-7122